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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,255	02/14/2002	Akira Yamazaki	107348-00209	5067

7590 02/04/2005

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EXAMINER
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KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,255

Applicant(s)

YAMAZAKI ET AL.

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

The Examiner acknowledges the applicant's Amendment filed Nov 24, 2004 in response to the Office action made on Aug 26, 2004.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingle et al. in view of Becker et al.

Bingle et al. discloses in figures 2-3, in lines 33-35 of column 3, and in lines 1-20 of column 7, a handle made from an inherently translucent polycarbonate having a light source 46 therein. Bingle et al. does not disclose said translucent polycarbonate having a transparent coating thereon nor does it disclose said transparent coating having a metallic gloss. However, Becker et al. in lines 16-36 of column 34 and in lines 21 to 42 of column 64 teaches a transparent coating having a metallic gloss for use on translucent plastics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Bingle et al. in view of the teachings of Becker et al. to include translucent coating having a metallic gloss so as to provide a visually appealing coating with improved wear resistance properties.

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3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikens in view of Bingle et al. and in view of Becker et al.

Aikens discloses in figures 1-3 a plastic operating knob of an air conditioning outlet vent comprising a lamp. Aikens does not disclose said operating knob made from a translucent resin. However, Bingle et al. teaches in figures 2-3 and in lines 33-35 of column 3, a handle made from translucent polycarbonate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Aikens in view of the teachings of Bingle et al. to make the knob from a translucent polycarbonate to provide a visually appealing knob and thus improve the user interface with adjusting the amount of air flow from said air conditioning outlet vent. Aikens also does not disclose said plastic operating knob having a transparent coating thereon nor does it disclose said transparent coating having a metallic gloss. However, Becker et al. in lines 16-36 of column 34 and in lines 21 to 42 of column 64 teaches a transparent coating having a metallic gloss for use on translucent plastics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Aikens in view of the teachings of Becker et al. to include translucent coating having a metallic gloss so as to provide a visually appealing coating with improved wear resistance properties.

#### ***Response to Arguments***

4. Although Aikens in view of Bingle et al. does not disclose the apparatus as claimed in claims 6 and 7, the disclosure taught by Becker et al. cures the deficiency. Furthermore, the teachings of Becker et al. are not limited to merely the embodiments disclosed but what the

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teachings themselves convey to one of ordinary skill in the art. As such, Becker et al. teaches that the coatings disclosed therein, including but not limited to the specific coating disclosed in lines 21-42 of column 64, can be applied to translucent bodies in automotive applications as further disclosed in lines 20-49 of column 34. Furthermore, Bingle et al. specifically discloses that the numerous examples of use for such coatings is not inclusive. See also lines 9-19 of column 34.

Although applicant asserts that the handle disclosed in Bingle et al. is intended to be operated in a darkened environment, the claims are not limited to a handle to be so operated. Additionally, the fact that the handle of Bingle et al. is intended to be operated in the darkened environment, i.e., when the trunk is closed, the handle can be operated in a lighted environment, i.e., when the trunk is open. Finally, even though the object of Bingle et al. is to improve the recognition of the handle by users in the darkened environment, nothing in Bingle et al. precludes the handle from having a metallic gloss in a lighted environment. It is general knowledge in the art that automotive handles include metal handles that inherently have a metallic gloss and modifying the handle of Bingle et al. to have a metallic gloss in the lighted environment, without specific evidence of undesirability, could be acceptable to one of ordinary skill in the art.

5. In response to applicant's argument that Becker fails to show the application of the same coating to the polycarbonate handle of Bingle that would produce the same result, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of

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the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

6. In response to applicant's argument that the acetone in Becker's coating would dissolve or degrade the hybrid polymer, it is the Examiner's view that such acetone level is small enough that it would not degrade the polycarbonate material of Bingle et al. If the applicant disagrees, then the applicant is advised to submit an affidavit claiming that Becker's coating containing the acetone would clearly degrade the polycarbonate material disclosed in Bingle et al.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to modify the prior art can be found in the knowledge generally available to one of ordinary skill in the art as discussed above.

8. In response to applicant's argument concerning the lighted environment, it is disclosed by Bingle et al. that at least one illumination source is provided in the handle and is activated when the deck lid is closed, motion is sensed by a sensor, or a temperature is detected. If the illumination source is activated, it appears to provide an environment that is lighted.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

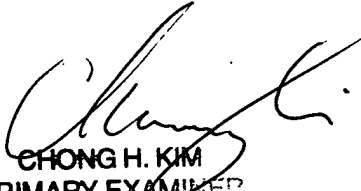
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Tuesday - Friday, 8:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk  
February 2, 2005

  
CHONG H. KIM  
PRIMARY EXAMINER